

*Exhibit A to Resolution 2009-16*  
*Amendments to Chapter 13 (Wastewater) of the Sedona City Code, April 14, 2009*

Article	<b>CHAPTER 13: WASTEWATER</b>
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**ARTICLE 13-1: WASTEWATER**

## Section

13-1-1	Purpose
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13-1-3	General considerations
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**§ 13-1-1 PURPOSE.**

The intent of this chapter is to protect the health, safety and welfare of the citizens of the city and the environment, as the same may be affected by the disposal of sewerage. To this end, the City requires that the disposal of storm waters and waste, whether solid, liquid, gas or any combination thereof be delivered by proper means to a disposal location authorized to discharge the type and quantity of waste to be disposed of. Disposal of wastes and storm water shall be in accordance with City Codes and applicable Federal and state laws, permits, and guidelines. Nothing in these regulations shall be construed to discourage the use of grey water in accordance with state law county regulations, and state-approved regulations regarding the same, provided appropriate building and plumbing permits are obtained from the City for building and plumbing modifications made for a gray water system.

**§ 13-1-2 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BACKWATER VALVE.** A device or valve installed in a sewer lateral which is intended to prevent wastewater from the public sewer system from backing up into low level fixtures on private property and causing a flooding condition.

**BACKFLOW PREVENTION DEVICE.** A device or valve installed in a pressure sewer system which is intended to prevent wastewater from the sewer main system from entering facilities connected to the private sewer lateral.

**BOD.** (Biochemical oxygen demand) An analytical test that indicates the strength of wastewater by measuring the amount of oxygen in parts per million (ppm) required to stabilize organic compounds.

**CAPACITY FEE.** The fee charged by the city to connect to the wastewater system and thus receive an allocation of wastewater treatment and disposal capacity.

**CHEMICAL TOILET WASTE.** Waste from a toilet containing chemicals for sanitary management of feces and/or urine. Generally, a portable toilet facility.

**CITY ENGINEER.** The individual or company acting in the capacity per Section 3-2-4 “City Engineer” of the City Code.

**CLUSTER SYSTEM:** A waste water collection and treatment system serving more than one parcel, the collection and treatment components of which are located wholly with the City of Sedona, but is not owned by the City of Sedona.

**COLLECTOR CLUSTER SYSTEM.** Pipelines or conduits, excluding house sewers, for collecting and conducting wastewater to a point or points of treatment or disposal from 2 or more residents, apartment units, condominiums or businesses.

**DEPARTMENT.** The Arizona Department of Environmental Quality.

**DIRECTOR.** The Director of Wastewater who is the director of the Office of Wastewater Management.

**DRAINAGE FIXTURE UNIT.** A measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture unit for a given plumbing fixture shall be determined in accordance with the City's adopted plumbing code.

**ECONOMICALLY FEASIBLE.** A determination by the Council, pursuant to this chapter, that extension of the city wastewater system to such area is financially feasible.

**EFFLUENT.** Wastewater discharged or leaving a treatment unit or treatment process.

**ENVIRONMENTALLY NECESSARY.** A determination by the Council, pursuant to this chapter, that a public health hazard exists or may exist from the pollution of, or from the reasonable probability of pollution of, surface waters or groundwater.

**ERU or EQUIVALENT RESIDENTIAL UNIT.** The base unit allocated to a single-family residential structure for the wastewater system capacity it uses, ERU for City facilities located at other locations may vary and shall be determined by appropriate analysis. An alternate definition of an ERU, which may be used for other than a primary single family residential unit, shall be the drainage fixture unit count of 10.

**FACILITY.** Facility, when referring to the City wastewater system, means those pipes, devices, manholes, pumps, buildings, walls, machines, treatment works, or combinations of these including related items comprising the City wastewater system. In cases where the City wastewater system is not being referred to, according to context, "facility" refers to privately owned pipes, machines, manholes, devices, building fixtures, or physical items or machine, or combinations of these including related items.

**GREASE AND OIL ANALYSIS.** An analytical test used to measure the amount of grease and oil in parts per million (ppm) present in wastewater.

**GREASE INTERCEPTOR.** A grease-collecting device that is larger than a grease trap regarding flow rate and capacity. The interceptor discharges directly into the wastewater system preventing grease from entering the wastewater system by means of baffling.

**GREASE TRAP.** A grease collecting device normally with less than a fifty-one gallons per minute (gpm) flow rate with a capacity of forty gallons of water, the placement of which is downstream of a sink but upstream of the City wastewater system.

**GREASE, OIL AND FAT.** Animal and/or mineral byproduct that dissociates from water and adheres to the sidewalls of sewer pipes creating potential clogging problems in sewer systems.

**GUEST HOUSE.** An accessory building with 1 or more rooms used solely as the temporary dwelling of the guests of the occupants of the premises and not rented or used for supplemental income. GUEST HOUSES shall not include mobile or manufactured homes, shall contain no kitchen facilities, shall be connected to the same utility services as the main dwelling and shall not be used as a separate dwelling unit.

**INTERCEPTOR.** This term shall include traps, filters, separators, vaults, processes and other devices, means or processes intended to remove solids, liquids, or gases from wastewater prior to its discharge to the City wastewater system.

**INDIVIDUAL SEWAGE-DISPOSAL SYSTEM.** A privately-owned residential or commercial wastewater treatment system.

**INFILTRATION:** The entry of groundwater into a sanitary sewer system through joints, porous walls, and cracks, as well as the extraneous flow (inflow) that enters a sanitary sewer from other sources such as connections from roof leaders, basement drains, land drains, and manhole covers. Inflow infiltration typically results directly from rainfall or irrigation runoff.

**INFLUENT.** Wastewater entering a treatment unit, treatment process or City wastewater collection system.

**MIXED LOADS.** Combined septage tanker loads as a result of pumping grease interceptors and septic tanks into the same septage tanker.

**MONTHLY SERVICE FEE.** The fee charged each month for use of the wastewater system.

**NON-RESIDENTIAL USE.** Any land use other than single family residences, apartments, condominiums or multi-unit residential buildings.

**OFFICE.** The Sedona Office of Wastewater Management.

**POLLUTION.** Such contamination or other alteration of the physical, chemical or biological properties of any waters or such discharge of any liquid, gaseous or solid substance into any waters, onto or under any land as will or is likely to create a public health hazard or environmental nuisance or render such waters or land harmful or injurious to public health, safety or welfare to domestic, commercial, industrial, agricultural, recreational or other lawful beneficial uses, or to livestock, wildlife, birds, fish or other aquatic life.

**SEPTAGE HAULER.** Any person or business entity engaged in pumping wastes from individual wastewater disposal systems or in transporting septage.

**SEPTIC TANK.** A receptacle which receives raw sewage and which is designed, constructed and installed to city~~and~~, state, and county standards to prevent leakage, to retain settleable solids and to discharge sewage liquids into an absorption field, seepage pit, evapo-transpiration bed or a wastewater collection system.

**SEWER AVAILABILITY.** A condition that occurs when the ~~The~~ city wastewater system exists in a street or easement adjacent to a real property or adjacent to a private wastewater collection system serving that real property or adjacent to the point of access to a real property, and the city wastewater system is ready for connection, and wastewater treatment and disposal capacity is adequate for the proposed connection, subject to any state or federal consent order or judgment.

**SEWER CONNECTION AGREEMENT.** A notarized statement, on a form provided by the city, which a

property owner shall sign prior to obtaining a city building permit for any new structure or for any modification to an existing structure or change of use of a structure which could affect wastewater disposal requirements or the public health and safety. The statement shall contain those terms and conditions required by law to allow recordation as a covenant running with the land.

**SDG SYSTEM.** A small diameter gravity system which accepts the effluent from septic tanks in small diameter sewer pipes and wastewater runs in pipes by gravity without the aid of a pump to the city wastewater system.

**STANDARD GRAVITY SYSTEM.** A collection system that accepts all of the wastewater generated on a property except for special pretreatment which may be required by the city, such as grease removal or volatile or toxic wastes removal.

**STEP SYSTEM.** A septic tank effluent pumping collection system which uses a pump and reservoir tank to pump the effluent from a private septic tank to the city wastewater system.

**STORM WATERS.** Rainwater and other waters specifically identified in the latest City of Sedona Stormwater Management Program filed with the Department as acceptable to go into the municipal separate storm sewer system (MS4).

**TSS.** (Total Suspended Solids): An analytical test result that measures the presence of solids in parts per million (ppm) within a sample of wastewater.

**WASTEWATER.** A combination of water-carried wastes from residences, institutions, public and private business buildings, mobile homes, motor homes, trailers and other places of human habitation, employment or recreation. For the purpose of this chapter, wastewater does not include storm water.

**WASTEWATER SYSTEM (CITY WASTEWATER SYSTEM).** Pipelines or conduits, pumping stations, force mains, wastewater treatment plant, disposal field, lagoon, pumping stations, incinerator, wetlands and all other treating devices, appurtenances and facilities for collecting and conducting wastewater to a point of treatment and disposal constructed or operated by the city.

**WATERS WITHIN THE CITY.** All streams, lakes, ponds, marshes, drainage systems, aquifers and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the corporate limits of the city.

**§ 13-1-3 GENERAL CONSIDERATIONS.**

- A. No wastewater shall be permitted to flow into waters within the city or upon or under any lands within the city in any manner detrimental to the quality of the receiving waters or lands or prejudicial to the health, safety or welfare of persons as provided by law.
- B. No stormwaters shall be directed to a wastewater system.
- C. Types and quantities of wastes which are detrimental to the treatment process; cannot be treated to City, state or federal standards; may create explosive conditions within the wastewater system; or may pose health threats that are unusual to a municipal sewer system shall not be discharged to the wastewater system without prior written authorization of the system operator.
- D. The provisions of this chapter shall be applicable to any building, structure or property situated within the City, including that which may be owned, leased, controlled, operated or occupied by the United States, the state, the county, a school district or by any public or quasi-public agency, corporation or association.
- E. A parcel connected to the City of Sedona wastewater system shall not be connected to or have another operational wastewater disposal system without the prior approval of the Director.
- F. The provisions of this section shall apply to any wastewater system component whether located within the boundaries of the City or not. The City shall be entitled to pursue any lawful remedy in case of violations occurring or affecting the wastewater system outside City limits.

**§ 13-1-4 NONLIABILITY OF CITY FOR WASTEWATER COLLECTION SERVICE.**

The city shall not be held liable for inability to provide or not providing wastewater collection service to any part of or throughout the city or for the discontinuance of service. This shall apply whether collection lines exist adjacent to a property or not.

**ARTICLE 13-2: OFFICE OF WASTEWATER MANAGEMENT**

## Section

13-2-1	Office established; Director
13-2-2	Purpose of office
13-2-3	Powers and duties of Director
13-2-4	Additional powers and duties of Director

**§ 13-2-1 OFFICE ESTABLISHED; DIRECTOR.**

The Office of Wastewater Management is hereby established. The office shall be headed by a Director and shall operate under the authority and direction of the City Manager and Council.

**§ 13-2-2 PURPOSE OF OFFICE.**

The office shall operate the city wastewater system and shall administer the regulations pertaining to the system.

**§ 13-2-3 POWERS AND DUTIES OF DIRECTOR.**

A. In order to fulfill the duties of the position, the Director shall:

1. Direct the planning, construction and operation of the city wastewater system;
2. Enforce the standards, rules and regulations of the city wastewater system;
3. Enforce all state and local environmental requirements relating to wastewater disposal to the full extent allowed by law.
4. Enforce the standards, rules and regulations of the City wastewater system;
5. Enforce the standards, rules, and regulations regarding the disposal, collection, treatment, disposal, and or reuse of wastewater within the City;
6. Enforce all state and local environmental requirements relating to wastewater disposal to the full extent allowed by law. This shall include giving notice, requiring correction, and requesting the involvement of county, state, and federal regulators;
7. Maintain compliance with local, state, and federal regulations and permits bearing on the wastewater system;
8. To the extent possible operate the wastewater system in an environmentally protective and sustainable manner;
9. Rely upon the City Engineer for design, design approval, procurement of professional engineering services, professional land surveying, construction oversight, major process changes, and issues requiring licensed engineer approval.

B. To fulfill these duties, the Director or designee shall:

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1. Make recommendations regarding the budget and staff for the wastewater systems to the City Engineer;
2. Specify those substances, materials, waters or wastes that are prohibited from entering the city wastewater system; establish the permissible limits of concentration for various other substances, materials, waters or wastes permissible for discharge into the city wastewater system.
3. Maintain records sufficient to determine the quantity of flow and area tributary to a publicly owned treatment facility, the quantity of effluent from the facility and the standards of treatment that are required to be measured by the Department. Also maintain records identifying the amount of flow from all areas that have sewer availability, both within and outside the City. The amount of flow shall be correlated to the influent flow at each publicly owned treatment facility. The treatment capacity for each City wastewater system shall be determined and a record maintained of such determination, as well as the unused capacity of the system;
4. Maintain the wastewater system on a preventative maintenance basis;
5. Develop local regulations that allow the safe use of gray water consistent with state law and local concerns;
6. Develop local regulations, and criteria regarding the reuse of effluent and sludge generated by the City wastewater treatment process;
7. Discontinue wastewater collection and treatment service to any premises that are in violation of this chapter, state or federal regulation, or consent order or judgment, including physically cutting or blocking the building connection, pursuant to all legal requirements for notice and hearing prior to any discontinuance; restore such service after the violation has been discontinued or eliminated and charge a reasonable fee for disconnecting and reconnecting the premises to the City wastewater system;
8. Pursuant to all legal requirements for notice and entry upon private property, enter upon the premises of any person at any reasonable hour, upon presentation of credentials, to inspect to determine whether any connection or discharge to the City wastewater system is in violation of this chapter or of any federal, state or local standard, regulation or federal or state consent order and judgment, as relates to sanitary waste discharge or treatment;
9. Determine if any nuisance exists relative to waste disposal and act in accordance with the City Code based upon such determination, including issuance of notices to correct or remove, notices of violation, cease and desist orders, stop work orders, and referral to the City Attorney's office for legal action;
10. Decide questions that may arise concerning the supervision and administration of wastewater disposal which are not fully covered by the provisions of this chapter. Such decisions may be appealed to the Council if the matter cannot be resolved in a timely manner upon review by the City Engineer and/or City Manager;
11. Take appropriate action to prevent fraud or abuse related to the wastewater collection or treatment system, including but not limited to disconnection and referral to the City Attorney's office for legal action;



12. Work with the City Engineer and City Finance Director in the determination and collection of appropriate fees and charges;
13. The Director shall promulgate necessary regulations of the City wastewater system, subject to review and approval by Council.

#### **§ 13-2-4 ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR.**

- A. In order to assist in identifying those areas of the city in immediate need of wastewater collection and treatment service and to protect the public health and safety, the Director of the Office shall compile, to the extent necessary, data to determine whether it is environmentally necessary to extend the wastewater system to additional areas, including:
  1. A master list and map of:
    - a. State, county or city compliance inspections of private, individual sewage-disposal systems, including those systems utilizing alternate technology under the jurisdiction of the Department.
    - b. Failures of private, individual sewage-disposal systems which are reported to the city or to state or county agencies.
    - c. Enforcement or abatement actions taken by city, county or state authorities against private, individual sewage-disposal systems not in compliance with law.
    - d. Pumping of private, individual sewage-disposal systems, as reported monthly to the city or to the state by septage haulers operating within the city.
  2. Any other site-specific data, such as, but not limited to, population density and transmissivity of terrain.
  3. Collect and maintain copies of water quality sampling of surface waters and groundwater available to the city from public or private sources. The Director will monitor and map any changes in water quality by area of the city.
  4. Analyze the data on water quality sampling and on the status of individual sewage-disposal systems (a privately-owned residential or commercial wastewater treatment system) in an area not yet served by the city wastewater system and present conclusions based upon the data to the City Manager and Council to show whether it is environmentally necessary to determine that an area is in need of extension of the city wastewater system. The Director may recommend to the City Manager and Council a ranking of areas not yet served according to environmental priority.
- B. In order to assist in determining whether it is economically feasible to extend the city wastewater system to an area identified as environmentally necessary for future connection, the Director in cooperation with the City Engineer and Finance Director shall:
  1. Determine whether the extension to serve a particular area should be a conventional gravity sewer or an alternative conveyance system, such as a small diameter gravity system or a septic tank effluent pumping (STEP) system;
  2. Prepare an economic analysis of the costs of extension of the city wastewater system, according to the various engineering alternatives;
  3. Calculate the anticipated revenues from capacity charges, monthly user service charges, development impact fees and other sources of revenue;

4. Present the economic analysis of the costs of extension and of anticipated revenues to the City Manager or Council.
- C. The Director may require that some or all the information set forth in subsections B. and C. of this section be provided by the applicant who is requesting an extension of the city wastewater system to serve a particular area of the city.
- D. The Director shall ensure that all required federal, state and local public notice and public participation procedures are followed in connection with any necessary public hearings.
- E. Compile and prepare annually a detailed financial statement of the costs of operation and maintenance of the city wastewater system in anticipation of or in conjunction with the annual city budget process.

### **ARTICLE 13-3: WASTEWATER COMMISSION**

Section

[Reserved]

### **ARTICLE 13-4: DETERMINATION OF AREAS TO BE SEWERED; EXTENSIONS TO CITY WASTEWATER SYSTEM**

Section

- 13-4-1 Property owners' right to petition for an extension of the city wastewater system
- 13-4-2 Identification of areas where it is environmentally necessary to provide city wastewater collection and treatment service
- 13-4-3 Identification of areas where it is economically feasible to extend the city wastewater system
- 13-4-4 Determination of an area to be sewered
- 13-4-5 Instruction to City Manager to implement extensions
- 13-4-6 Extension of city wastewater system to serve users outside the city

#### **§ 13-4-1 PROPERTY OWNERS' RIGHT TO PETITION FOR AN EXTENSION OF THE CITY WASTEWATER SYSTEM.**

Upon payment of \$1,000 fee for analysis and administration, property owners in an area not yet sewered may petition the Council for a determination of whether it is both environmentally necessary and economically feasible to extend the city wastewater system into the area. The Director may only accept those applications that are, in his opinion, in full compliance with the requirements of § 13-2-4. The requirements of this section may be waived by the City Engineer for minor sewer main extensions of less than 300 feet. Extensions of a public sewer main shall terminate in a manhole. The property owners shall pay for such city approved extensions.

#### **§ 13-4-2 IDENTIFICATION OF AREAS WHERE IT IS ENVIRONMENTALLY NECESSARY TO PROVIDE CITY WASTEWATER COLLECTION AND TREATMENT SERVICE.**

Based on the data organized by the director as specified in § 13-2-4 of this chapter, the City Manager shall recommend in writing to the Council those areas where, in his or her opinion, it is environmentally necessary to consider extending the city wastewater system. The City Manager shall include with his or her recommendations the supporting data upon which his or her recommendation is based. The Council shall accept or reject the analysis and recommendation or modify the recommendation as deemed necessary or refer the analysis and recommendation back to the City Manager for further study with instructions indicating areas of concern or deficiency.

#### **§ 13-4-3 IDENTIFICATION OF AREAS WHERE IT IS ECONOMICALLY FEASIBLE TO EXTEND THE CITY WASTEWATER SYSTEM.**

- A. In order to determine whether it is economically feasible to extend the city wastewater system to an area identified as environmentally necessary for future connection, the Director shall determine whether the extension should be a conventional gravity sewer or an alternative conveyance system, such as a small diameter gravity system or a septic tank effluent pumping (STEP) system. Thereafter, the Director shall prepare an economic analysis of the costs of extension of the city wastewater system according to the various engineering alternatives. The analysis shall include the anticipated revenues from user service charges, capacity charges, development impact fees and other sources of revenue.
- B. The Director shall present the analysis along with his conclusions as to whether it is economically feasible to extend city wastewater service to an area to the City Manager. The City Manager shall review such analysis and may return it to the Director with specific comments or recommendations requesting further study or modifications or may forward it to the Council as presented by the Director or modified as deemed necessary.
- C. The Council shall accept or reject the analysis and recommendation or modify the recommendation as deemed necessary or refer the analysis and recommendation back to the City Manager for further study with instructions indicating areas of concern or deficiency.

#### **§ 13-4-4 DETERMINATION OF AN AREA TO BE SEWERED.**

The Council shall review the recommendations of the Director and the City Manager concerning whether it is environmentally necessary and economically feasible to extend the city wastewater system to an additional area and make a determination. A Council decision shall be supported by a ranking of areas according to environmental or economic priority for extension of the city wastewater system provided by the Director. If the Council determines that it is environmentally necessary and economically feasible to extend the city wastewater system to an additional area, the City Manager shall be instructed to proceed to implement such extension.

#### **§ 13-4-5 INSTRUCTION TO CITY MANAGER TO IMPLEMENT EXTENSIONS.**

Once the Council has instructed the City Manager to implement an extension to the city wastewater system, the property owner shall pay all costs necessary to design and construct the extensions. This connection shall include all portions of any collection system necessary to collect wastewater effluent from each parcel or structure and shall be in full compliance with the city specifications.

#### **§ 13-4-6 EXTENSION OF CITY WASTEWATER SYSTEM TO SERVE USERS OUTSIDE THE CITY.**

The city shall have no obligation to extend wastewater collection service or to provide wastewater treatment or reserve capacity for users outside the city. However, in the event the city wastewater system has sufficient capacity to permit additional connections to be made, the city may allow connections and may enter into agreements with governmental entities or private parties to provide service subject to agreement upon fees. Such agreements shall be approved by the Council.

### **ARTICLE 13-5: CONNECTIONS TO WASTEWATER SYSTEM**

## Section

- 13-5-1 Private sewage disposal systems prohibited; exceptions
- 13-5-2 Reserved
- 13-5-3 Notice of sewer availability
- 13-5-4 Mandatory connection to city wastewater system once available
- 13-5-5 Permits for service connections
- 13-5-6 Property owner and user's responsibility capacity fee
- 13-5-7 Capacity fee
- 13-5-8 Charge for failure to timely pay capacity fee
- 13-5-9 Procedure and penalties for failure to pay capacity fee
- 13-5-10 Dry sewers
- 13-5-11 Current capacity fee schedule

**§ 13-5-1 PRIVATE SEWAGE DISPOSAL SYSTEMS PROHIBITED; EXCEPTIONS.**

A. It is unlawful to construct, operate or maintain any septic tank, privy vault, cesspool, evapotranspiration system or other private sewage disposal facility except as provided in this chapter or as approved by the ~~city~~ by permit.

B. Where the city wastewater system is not yet available to a property, as defined in § 13-1-2, a private sewage disposal system may operate as long as:

1. The property owner or user operates and maintains the private sewage disposal system in a sanitary manner and in compliance with all city, county and state health and environmental regulations and permits.
2. The property owner or user designs, constructs, alters or maintains the private sewage disposal system in compliance with all city, county and state standards, regulations, specifications and details, and only after being granted all required permits.
3. The property owner acknowledges that any permit to construct, alter, improve or operate a private sewage disposal system is only temporary in duration and the property owner agrees to connect to the city wastewater system once it is available, as required by § 13-5-2.

C. Once there is sewer availability to a property, no permits shall be issued nor shall work be permitted for construction or alteration of any private sewage disposal system on the property unless it is for connection ~~to~~ the city wastewater system.

**§ 13-5-2 RESERVED.****§ 13-5-3 NOTICE OF SEWER AVAILABILITY.**

The city shall notify all affected property owners or their agents or lessees, as shown on the last assessment of the property, that the city wastewater system is available and that property owners must connect within 180 days. Such notice shall be given by certified mail to the property owner or agent or lessee, and by publishing the same notice, together with a description of the affected parcels, in not less than 2 issues of a newspaper of general circulation within the city. The times prescribed in this section shall run from the date of such notice.

**§ 13-5-4 MANDATORY CONNECTION TO CITY WASTEWATER SYSTEM ONCE AVAILABLE.**

- A. Subject to the provisions of paragraph H of this section, within 180 days from the date that the Finance Director provides notice of sewer availability, as defined in § 13-1-2, a real property owner with building or water fixtures thereon shall make direct connection to the city wastewater system in accordance with the city design requirements, the adopted Uniform Plumbing Code, as amended, and all applicable state, county and city regulations.
- B. If the sewer availability notice is given to a group of real property owners with private roads as the only access, the property owners shall either build and maintain the proper local wastewater collection system in accordance with the city design requirements or donate an easement at no cost to the city for access to the private roads so that the city will, at the city's expense, extend the city wastewater system to points adjacent to the individual real property.
- C. Cluster Systems
  - 1. If the sewer availability notice is given to property owners that are both the users and owners of an existing collector cluster system, the city shall request that the property owners shall pay to the city an administrative processing fee, together with a fee to be set by the City Manager to reimburse the city for the cost of inspecting the system. The administrative processing fee shall be \$5,000 beginning in September 2008 and increase no more than 2% annually thereafter over the previous year's fee beginning in August 2009. The applicable fee shall be stated within and approved as part of the Annual City Budget. The property owners shall provide to the city an acceptable set of as-built drawings of the system, copies of all applicable permits and copies of all records of inspection, maintenance, repair, expansion and improvement of the system. If the City is not provided with the administrative processing and inspection fees, or information regarding the system stated herein, the City may proceed to perform the required work and pursue any legal remedies on properties served by the existing system or upon the common disposal field as the City may deem appropriate.
  - 2. If, upon inspection it appears that the physical condition of the system does not meet the standards adopted by City Council for sewer connection to the city's wastewater system, then it shall be the responsibility of the property owners to bring the system into compliance with such standards before the city will accept sewer connection to the city's wastewater system. If the system needs to be connected because it is necessary for public health or environmental reasons, then the City may proceed with such connection and assess the property owners using the system for the incurred cost or at the City's discretion treat the improvement as a City initiated extension.
  - 3. Once it is determined the cluster system meets city standards, the city shall allow the cluster system to be connected to the city wastewater system only after every property owner in that area has paid or made arrangements to pay the capacity fee pursuant to § 13-5-7 and the cluster system owners have presented to the City an acceptable written plan for responding to spills, overflows, blockages, and damage to the cluster system.
- D. If a property owner fails to connect to the city wastewater system within the time limits set forth in subsection A. of this section, the city shall assess a monthly environmental penalty charge for every month such property remains unconnected. This charge shall be equal to twice the current monthly service charge for the property in question and shall be due and payable monthly. The city may employ the procedures set forth in §§ 13-6-6 and 13-6-7 for collection of such environmental penalty charge if not paid when due and payable.

- E. Upon connection to the city wastewater system, any septic, STEP or alternate disposal system shall be pumped and abandoned and either removed or filled in at the owner's expense, in accordance with the City's adopted Plumbing Code, as may be amended from time to time, and all local and state laws, rules and regulations.
- F. Failure to abandon a septic or other alternate disposal system in accordance with subsection E. of this section shall constitute a public nuisance pursuant to § 9-2-2, Subsection A. Pursuant to the provisions of Article 1-8(A) of the city code, as amended or as may be amended from time to time, any person found guilty of violating this provision shall be guilty of a class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$2500 or by imprisonment for a period not to exceed 6 months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein or by civil sanction. (Am. Ord. 98-04, passed - -)
- G. Single connections to the City Sewer System serving 2 or more land parcels shall not be allowed prior to the City being presented with an acceptable written plan for responding to spills, overflows, blockages, pump failures and conveyance system damage by the owner of the private collection and conveyance system and demonstrating compliance with state regulations regarding private sewer systems.

#### **§ 13-5-5 PERMITS FOR SERVICE CONNECTIONS.**

Before physical connection is made to the city wastewater system, a permit must be secured from and 48 hours notice given to the city. The issuance of a permit is subject to sewer availability. Sewer connection permits shall run with the land and shall not be transferable from 1 parcel to another parcel or from property to property. All such connections shall be made and all such work done at the expense of the applicant. All connections shall be made under the supervision of the city, and no such connection shall be covered until the work has been inspected and approved by the city. The City Engineer shall issue permits for connection. The Director of Wastewater shall issue a written finding of available collection and treatment plant capacity as necessary.

When the lowest drain fixture for a facility served by a gravity sewer lateral is less than four inches higher than the nearest upstream manhole, a backwater prevention device shall be installed on the lateral on private property exterior to and down stream of the facility served by the lateral. A backwater device shall be installed on existing laterals by December 31, 2011 or when the lateral is replaced or repaired, which ever occurs first.

All gravity laterals shall have a cleanout near the property or right-of-way line in a location approved by the City Engineer. The City may require that an onsite pressure system deliver flow to a City gravity main using a gravity sewer lateral.

All pressure systems shall have a backflow prevention device on private property between the force main and the facility served by the sewer lateral. This requirement shall be met by December 31, 20 for all existing pressure systems and before connection and operation of new pressure systems connected thereafter.

Pretreatment devices shall be installed when required by City Code.

Connection shall be made utilizing one sewer lateral per parcel of one acre or less. Properties over one acre in size may appeal to the City Engineer for more than one lateral. A lateral may serve no more than one parcel. The City shall not be obligated to install a lateral if it is not extending a main wastewater collection pipe intended to serve more than one parcel. The City shall not be obligated to provide a lateral for a vacant parcel exceeding 2 acres in area. In cases in which the City is not obligated to install a sewer lateral the property owner shall install the lateral to the main sewer line.

In cases where the City becomes aware of a sewer lateral not meeting these standards, the City may require that a lateral meeting these standards be installed and the old lateral abandoned. If the lateral was installed prior to July 2007 under a City issued permit, then the City of Sedona shall bear the cost to replace the lateral between the City system and the portion of the connected facility closest to the connection to the City System, with the exception of

backflow and backwater prevention devices, which remain a property owner responsibility. If the lateral was installed without a City issued permit or after July 2007 the property owner shall bear the cost to replace the new lateral.

The City shall determine the point of connection to its system. The City is not required to allow connection to its system at a point other than it determines as appropriate, even if a property owner obtains an easement which might facilitate making connection to another location. Connections to sewer mains are to be located within the addressed street of a connecting facility, unless otherwise approved by the City Engineer.

#### **§ 13-5-6 PROPERTY OWNER AND USER'S RESPONSIBILITY.**

When a piece of property is connected to the city's wastewater system, the property owner shall be responsible for the maintenance, operation, repair, and replacement of all pretreatment devices, backwater valves, backflow prevention devices, conveyance lines, lift pumps, septic tanks or alternate wastewater treatment systems located on the property. The owner shall also remove any connections between the stormwater drainage system and the wastewater system.

- A. Where, prior to the amendment of the Wastewater Code on March 11, 1998, there exists a STEP or SDG system already connected to the city wastewater system, or a STEP or SDG system has been already approved by the city in writing to be connected to the city wastewater system, the property owner, lessee or user of the city wastewater system, at his or her own expense, shall be responsible for pumping septage or wastewater from his or her property as required, and for cleaning, unstopping, maintaining and repairing the conveyance sewer from the building or residence up to and including the connection to the city wastewater system in the public right-of-way or utility easement (collectively referred to herein as Onsite System Maintenance). If, from time to time, the city wastewater system is modified so as to eliminate the need for a STEP or SDG system, the property owner shall comply with § 13-5-4 E. of this Wastewater Code, as may be amended from time to time. Nothing herein shall require the city to provide or be responsible for onsite system maintenance for any STEP or SDG system, unless expressly agreed to by contract or other agreement.
- B. Where there exists a cluster system connected to the city's wastewater system, the individual property owners are responsible as stated in subsection A. of this section. If an easement is granted on private roads as the only access and the existing sewer lines comply with the city design requirements and are considered acceptable for donation, the city may, at its discretion, accept responsibility for the sewer lines as designated main sewer lines on the city's wastewater system. If an easement is granted for access to existing lift or pump stations that are, or have been brought into compliance with city standards of operation and are considered acceptable for donation, the city may, at its discretion accept responsibility for the stations as part of the city's wastewater system.
- C. Where a cluster system that is to be connected to the city wastewater system is a septic effluent wastewater system (referred to herein as a cluster system), the city, in its discretion, may allow septic tanks to remain as an integral component of that system until such time as the cluster system is converted to a raw wastewater collection system. At the time of such conversion to a raw wastewater collection system, all septic tanks in the cluster system shall be pumped and abandoned and either removed or filled in, all at the owner's expense, in accordance with the City's adopted Plumbing Code, as may be amended from time to time, and all local and state laws, rules and regulations.  
(Am. Ord. 98-04, passed - -1998)
- D. The property owner shall be responsible to install and maintain, in proper operation, all backwater valves and backflow prevention devices. The property owner shall be responsible for the consequences of not providing and not maintaining these devices as required by this code.



- E. The property owner shall be responsible to install and maintain in proper operation pretreatment devices. The property owner shall be responsible to maintain records demonstrating the periodic cleaning and proper disposal of material collected by such devices.
- F. The portions of a sewer lateral located on private property shall be removed if the facility to which it is connected is removed. The property owner may request and the City Engineer may approve an exemption from this requirement provided the sewer lateral or portions thereof will be reused for wastewater disposal within one year or less. The property owner shall, if an exemption is granted, commit in writing to restore use or remove the portions of the sewer lateral within one year. If the commitment is not kept, the City may enter the property to remove the portions of lateral and cap the lateral, and seek all legal remedies for reimbursement of its costs.
- G. The owner shall be responsible to contact the Director prior to performing work between the sewer clean out and the City sewer main or within the City right-of-way or easement. The owner shall be responsible to notify the Director should it appear that a problem with the sewer system between the facility and the sewer clean out or right-of-way or easement is due to improper operation of the City sewer system.
- H. The City shall not be responsible for costs or impacts due to the owner's failure to perform owner's responsibilities.
- I. The property owner shall be responsible for making sure that the allowable capacity for a parcel or non-residential development is not exceeded. The allowable capacity is the sewer capacity, in terms of ERU's (Equivalent Residential Units) for which sewer permits have been issued. No owner shall make or maintain non-residential uses that would require ERU's in excess of the allowable capacity. If the City determines that an owner's sewer connections exceed the allowable capacity, then upon notice by the City, the owner must make the necessary modifications to insure that the development configuration of the property does not exceed the allowable capacity.
- J. Where the allowable capacity is determined by factors such as seating, number of students, number of employees, number of vehicles, or similar factors, non-residential property owners shall post a notice setting forth the permitted allowable capacity in a location in their offices that is readily visible to members of the public. Such notice shall have language approved by the City Engineer, and will consist of letters that are a minimum of .75 inches in height, and can be read at a distance of at least 10 feet.
- K. Owners of facilities whose allowable capacity is based on measures of activity such as, but not limited to, occupancy or seating shall inform the City by June 1, 2009 of the facilities level of activity. Thereafter, information concerning level of activity shall be provided to the City upon any change of ownership or billing address. The City may require that owners inform the City of the facility's 6-month average and current level of activity at three to five year intervals during the life of the permit.

**§ 13-5-7 WASTEWATER FEES; INSTALLMENT PAYMENTS FOR CAPACITY FEES AND LIFT PUMPS.**

- A. At the time an application for connection to the city wastewater system is filed with the City Engineer and before any permit for connection is granted or any connection is made to the city wastewater system, the property owner shall pay a capacity fee.
- B. The capacity fee and other fees as set forth in the current capacity fee schedule in § 13-5-11 shall be

established by the Council, upon recommendation of the City Manager. The capacity fee shall be based upon a basic rate multiplied by the number of ERU (equivalent residential units).

1. Single-family residential units, including apartments, condominiums or each unit of a multi-unit residential building, shall be considered one ERU.
  2. Residential accessory dwelling units shall not be charged a separate capacity fee. Non-residential accessory buildings connected to the sewer shall be subject to ERU determination based on the method provided in section B3 below. Residential accessory dwelling units shall be defined as per the definition of "Guest House" contained in the Sedona Land Development Code. Non- residential accessory buildings shall be defined as per the definition of "Accessory Building" in the Sedona Land Development Code.
  3. The allowable capacity in terms of ERU's for non-residential uses shall be determined by the City Engineer based upon factors including but not limited to occupancy, seating, characteristics and constituents of the discharge, quantity of discharge and number of fixtures. The City Engineer shall establish the necessary procedures, criteria and formulas to determine the appropriate number of ERU's for non-residential uses.
  4. In the case of a wastewater generating activity related to a private property, but located on adjoining public property, the allowable capacity shall be assigned to the private property or properties. In the event that the related activity on public lands ceases, the allowable capacity for the private property shall be adjusted accordingly.
- C. Any person or owner who has been issued a building permit by July 1, 1999, may, upon the effective date of Ordinance 99-13, pay the capacity fee due under the current capacity fee schedule for a period of 180 days. Thereafter, the capacity fee charge shall be as set forth in the current capacity fee schedule in §13-5-11.
  - D. Any person or owner who has paid the fee and been issued a connection permit may, prior to notice of availability, request and receive a refund of capacity fees paid. The refund shall be without interest. Thereafter, any application for a connection permit shall be at the then current capacity fee schedule as set forth in § 13-5-11.
  - E. A property owner who has been issued a building permit prior to July 1, 1999, but failed to pay the capacity fee within 180 days after the effective date of Ordinance 99-13 due to lack of notice or other reasonable excuses may appeal the refusal to accept the former capacity fee schedule amount. Procedure for the appeal shall be as provided in § 15-5-9. The findings of the hearing officer shall be final.
  - F. Upon the expiration of the 180-day period following notice of sewer availability as provided in § 13-5-3, the capacity fee shall be charged to the property owner whether or not the property owner has connected to the city wastewater system and whether or not any building on the property is currently occupied. If the property owner fails to pay the capacity fee upon notice by the Director that such capacity fee is due and owing, the director may proceed with any legal or equitable remedies available.
  - G. Prior to the expiration of the 180-day period following notice of sewer availability as provided in § 13-5-3, and upon compliance with all other federal, state and local requirements, a property owner may petition the Director to establish an installment schedule for payment of the capacity fee. Such installment schedule shall be calculated at the discretion of the Director in order to ensure prompt repayment of any and all city indebtedness associated with the operations, maintenance and construction of the city wastewater system.

- H. Payment of the capacity fee shall not guarantee the person or owner connection to the city wastewater system.
- I. Refund of paid capacity fee shall result in the fee current at the time of connection being applicable. There will be no refund of capacity fees paid after December 31, 1999. The capacity fee may not be paid prior to receipt of a Notice of Sewer Availability.
- J. The Council may adopt a procedure to be utilized for those users who demonstrate financial inability to pay the capacity fee. The procedure may provide for assistance in seeking financing of capacity fees. The procedure may include the recordation of a secured lien against the subject real property. A capacity fee assistance committee may be created to process applications for hardship assistance.  
(Am. Ord. 99-13, passed - - ; Am. Ord. O2000-09, passed 10-9-2000)

**§ 13-5-8 CHARGE FOR FAILURE TO TIMELY PAY CAPACITY FEE.**

In the event the capacity fee is not paid as required by this article, a late charge for failure to timely pay the capacity fee shall be added to the unpaid balance at the rate of 1.5% per month on the amount of the unpaid balance. The city may take any action authorized under this chapter for the enforcement of wastewater regulations in order to enforce the payment of any such late charge.

**§ 13-5-9 PROCEDURE AND PENALTIES FOR FAILURE TO PAY CAPACITY FEE.**

- A.
  - 1. Upon a determination by the city that a real property owner has failed to pay the mandatory capacity fee required by § 13-5-7 when wastewater service became available, written notice of the failure to pay shall be mailed to the real property owner.
  - 2. Notice shall be mailed by certified, return receipt requested mail. The notice shall advise the property owner that an objection to the action set forth in the notice of delinquency must be filed in writing within 15 days of the date the notice was received and that a hearing procedure, as described in the notice of delinquency, is available upon request of the real property owner.
  - 3. The notice shall specify that if a timely objection is not filed, the unpaid capacity fee shall be deemed due and owing and failure to pay shall result in the city pursuing all available means of collection as authorized by this code.
  - 4. The notice shall specify that if a hearing is requested and it is determined as a result of the hearing that the unpaid capacity fee is due and owing, failure to pay shall result in the city pursuing all available means of collection as authorized by this code.
- B. If the real property owner wishes to file an objection and request a hearing, the owner shall submit any objection to the notice of delinquency in writing within 15 days of the receipt of the notice of delinquency. The written objection shall include copies of all documents that support the owner's position that there is no delinquency or that no fee is due and owing.
- C. Within 10 days of date of receipt of the objection from the property owner, the City Finance Director may request, in writing, a meeting to discuss the appeal and attempt to settle the matter prior to the hearing. If this is not acceptable to the property owner the appeal will be forwarded to the Hearing Officer. The City shall schedule a hearing date within 30 days of receipt of the objection and give written notice to the owner of the scheduled date.

1. The hearing shall be held by a Hearing Officer who shall be a non-city employee retained by the city or a city employee that has no involvement with the Public Works Department, Office of Wastewater Management, or Finance Department. The duties of the Hearing Officer shall only extend to issues related to capacity fee, monthly service fee, disconnections, and financial penalties related to these payments.
2. The hearing shall be held during regular city business hours.
3. The hearing may be continued one time by the Hearing Officer upon the written request of either party for good cause.
4. The property owner and the city shall each be given an opportunity to present their respective cases. The city shall present its case first and presentation may include:
  - a. Sworn testimony;
  - b. Submission of evidence;
  - c. Presentation of witnesses; and
  - d. Cross examination.

The rules of evidence shall not apply, and the Hearing Officer may permit any evidence deemed relevant to the issues at hand to be admitted.

5. At the close of the hearing, the city may agree to permit the property owner to participate in the city program which provides for the financing of capacity fees.
  6. Unless the city agrees to permit the property owner to participate in the financing program, the Hearing Officer shall render a written decision within 30 days of the close of the hearing. The Hearing Officer may find the following:
    - a. The property owner does not owe the connection fee and cancel the notice of delinquency;
    - b. The property owner does owe the connection fee as noticed by the city and order that it be paid within 15 days of receipt of the order;
    - c. A different (lesser) amount than that which was noticed is owed by the property owner and order that amount to be paid within 15 days from receipt of the order.
  7. The Hearing Officer's order shall be mailed to the property owner by certified, return receipt requested mail.
  8. If the property owner fails to appear at the scheduled hearing, the Hearing Officer shall enter an order directing the property owner to pay the delinquent connection fee as set forth in the notice of delinquency.
  9. The hearing shall be recorded by an electronic recording device.
- E. The city may use all available means to collect a delinquent capacity fee, including the following:
1. Report the delinquency to credit bureaus.
  2. Record in the official land records of the county in which the subject real property is located, a notice of delinquency, which notice shall not constitute a lien against the real property.
  3. Referral to a collection agency or service, which collection agency or service may report the delinquency to credit bureaus and take all legal actions necessary to collect the debt including filing suit on the debt and, upon obtaining a judgment against the debtor, pursue garnishment, execution,

- recordation of a judgment lien against the property and foreclosure.
4. Direct the City Attorney to file suit in the appropriate court and, upon obtaining a judgment against the debtor, pursue garnishment, execution, recordation of a judgment lien against the property and foreclosure.

#### § 13-5-10 DRY SEWERS.

- A. When the city wastewater system is not yet available to serve a new subdivision, the subdivider shall install sewage disposal facilities to serve each lot in conformance with the requirements of the Arizona Department of Environmental Quality (ADEQ) and shall be subject to the approval of the appropriate health authorities. In addition, the subdivider shall install “dry” main sewers with laterals to the property line of each parcel. The “dry” main sewers with laterals will be specified and installed so as to be capable of accepting raw sewage. At such time there is sewer availability with the city wastewater system, the city will accept “raw sewage” only.
- B. When the city wastewater system becomes available, the subdivision must be connected thereto and the owner shall within 6 months of connection to the city wastewater system, disable and abandon septic tanks, effluent lines and any common leach field or wastewater treatment facility in accordance with the Arizona Department of Environmental Quality (ADEQ) regulations existing at the time. Any salvage value shall accrue to the owner, and all costs associated with the removal of wastewater treatment facilities, or the reclamation of the land, shall be borne by the owner. Re-use of land previously occupied by such wastewater disposal system shall be subject to all applicable federal, state and local regulations. Abandonment of on-site disposal systems shall conform to ADEQ regulations.

#### § 13-5-11 CURRENT CAPACITY FEE SCHEDULE.

There is hereby established the following capacity fee schedule for connection to City of Sedona collection systems with flows to the Central City of Sedona Water Reclamation Plant:

<i><b>Fiscal Year</b></i>	<i><b>Per ERU</b></i>
1999 – 2000	\$4,200
2000 – 2001	\$4,275
2001 – 2002	\$4,350
2002 – 2003	\$4,425
2003 – 2004	\$4,500
2004 – 2005	\$4,600
2005 – 2006	\$4,700
2006 – 2007	\$4,775
2007 – 2008	\$4,900
2008 – 2009	\$5,025

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<i><b>Fiscal Year</b></i>	<i><b>Per ERU</b></i>
2009 – 2010	\$5,150
2010 – 2011	\$5,325
2011 – 2012	\$5,475
2012 – 2013	\$5,675
2013 – 2014	\$5,900
2014 – 2015	\$5,950
2015 – 2016	\$6,000
2016 – 2017	\$6,100
2017 – 2018	\$6,150
2018 – 2019	\$6,200
2019 – 2020	\$6,275
2020 – 2021	\$6,325
2021 – 2022	\$6,350
2022 – 2023	\$6,375
2023 – 2024	\$6,375
2024 – 2025	\$6,400
2025 – 2026	\$6,400
2026 – 2027	\$6,475

(Ord. 99-13, passed - -)

- B. The City Council shall, by ordinance, adopt fees for connection to other City of Sedona wastewater treatment systems. Connection fees shall apply to those facilities using the system and may be cumulative if several systems are used.

**ARTICLE 13-6: MONTHLY SERVICE CHARGE**

## Section

13-6-1	Monthly service charge established
13-6-2	Calculation of monthly service charge amount
13-6-3	Billing for monthly service
13-6-4	Person responsible for payment
13-6-5	Charge for failure to timely pay monthly service charge
13-6-6	Procedures and remedies for failure to timely pay monthly service charge
13-6-7	Enforcement by lien of wastewater monthly service charge

**§ 13-6-1 MONTHLY SERVICE CHARGE ESTABLISHED.**

The Council shall regulate and change the monthly service charges as necessary to meet the obligations of the city for the city wastewater system. The service charge may vary based on the City wastewater disposal system to which connection has been made. Any increase in monthly wastewater service charges shall follow the procedure set forth in A.R.S. § 9-511.01, as amended from time to time. The procedure shall include preparation of a written report filed in the office of the City Clerk 30 days prior to the public hearing; adoption of a notice of intention to increase wastewater rates and setting a public hearing at least 30 days after adoption of the notice of intention; publication of the notice of intention at least 20 days before the hearing; holding a public hearing and adoption of the rate change by resolution or ordinance, to be effective 30 days after adoption. Service charges shall begin at the time of connection to the system. Users shall be billed monthly thereafter, whether or not the building is occupied.

**§ 13-6-2 CALCULATION OF MONTHLY SERVICE CHARGE AMOUNT.**

- A. The charge for each connection shall be the number of ERUs assessed to that connection times the basic rate for one ERU. Residences, apartments, condominiums or each unit of a multi-unit residential building shall be one ERU. The number of ERUs for a non-single-family residential connection shall be established by the Director in accordance with subsection B., paragraph 2. of § 13-5-7. The charge shall be determined for each system.
- B. Commercial users will be allowed to install at their own expense and with approval of the City Engineer, an appropriate sewage flow measuring device. When installed, this device may be used, at the discretion of the City Engineer, to measure the flow of sewage for that user, and may be the basis for the billing charge. Commercial users must demonstrate that low flows have occurred for at least 12 consecutive months. Flow reductions will be calculated using the maximum month flow. After the initial adjustment, the City may adjust the basis for the billing charge upward based on measurements of flow raters or flow components that have occurred for at least 6 consecutive months. Either of the following minimum requirements must also be demonstrated in order to be eligible for a reduced fee pursuant to this section. 1) Inspection by a City official to insure that flush toilets with a capacity of 1.5 gallons or less are in use throughout the commercial facility, or 2) Positive documentary proof of installation of 1.5 gallon or less flush toilets throughout the commercial facility such as an invoice showing the date of installation, the fixture type, and the flow specifications of the fixture.
- C. For properties that may be vacant or unoccupied and have sewer availability, the City may impose a minimum monthly service charge that will be based solely on recoupment of fixed administrative costs of operating the wastewater system.

**§ 13-6-3 BILLING FOR MONTHLY SERVICE.**

All charges for wastewater collection and treatment service are payable by the fifteenth day of the month following the month, pursuant to § 1-3-12, for which charges are made.

**§ 13-6-4 PERSON RESPONSIBLE FOR PAYMENT.**

The monthly service charge or any other fees herein established shall be collected from the property owner, or from the users of the premises which are connected to the city wastewater system, or from other users of the system such as septage haulers. Such monthly service charge and any other fees established by this chapter shall run with the land to which such charges and fees relate.

**§ 13-6-5 CHARGE FOR FAILURE TO TIMELY PAY MONTHLY SERVICE CHARGE.**

In the event the monthly service charge is not paid as required by this article, a late charge for failure to timely pay the monthly service charge shall be added to the unpaid balance at the rate of \$2.50 per over-due payment plus 1% per month on the amount of the unpaid balance. The city may take any action authorized under this chapter for the enforcement of wastewater regulations in order to enforce the payment of any such late charge.

**§ 13-6-6 PROCEDURE AND REMEDIES FOR FAILURE TO TIMELY PAY MONTHLY SERVICE CHARGE.**

- A. A monthly service charge for wastewater collection and treatment shall be delinquent if not paid within 30 days after the bill is issued.
- B. A notice of delinquency shall be mailed certified, return receipt requested, to the property owner and the occupant of the premises or other users of the city wastewater system.
- C. An objection to the notice of delinquency must be filed in writing within 15 days of the date of receipt of the notice.

**§ 13-6-7 ENFORCEMENT BY LIEN OF WASTEWATER MONTHLY SERVICE CHARGE.**

A. Notwithstanding any term, clause or section in this article, pursuant to A.R.S. § 9-511.02, in the event the monthly service charge for wastewater collection and treatment for a given property becomes delinquent for more than 90 days, the city may file a lien upon the property for which sewer service is provided for such nonpayment of monthly charges. Prior to filing such lien, the city shall comply with the following procedures:

1. The owner of record of the subject property shall be given written notice of the city's intention to file a lien not less than 30 days prior to filing the lien. The notice shall be hand delivered or mailed by certified mail at the owner's last known address or to the address at which the tax bill for the property was last mailed. If the owner does not reside at such property, the notice shall be sent to him at his last known address.
2. The notice shall inform the property owner that he or she has the opportunity for a hearing regarding the delinquency before a designated city official.
3. In the event the property owner requests a hearing, such request must be received not later than 15 days from the date of the notice. The request for hearing shall include copies of all documents that support



the owner's position that there is no delinquency or that the amount claimed delinquent by the city is in error. A hearing shall be scheduled and held not later than 10 days following a request for a hearing by a property owner. The property owner shall be notified in writing of the time and date of the hearing.

4. The procedures set forth in paragraphs 1. through 6., inclusive, of subsection D. of § 13-5-9 shall apply and govern the hearing process, except as amended herein:
  5. In the event no hearing is requested by the property owner, or in the event payment is not made on a delinquent amount as determined by a Hearing Officer after a hearing, the city may place a lien on the property in accordance with this section.
- B. Any lien placed on a property pursuant to this section shall be enforceable pursuant to and in accordance with A.R.S. § 9-511.02.

## **ARTICLE 13-7: PROHIBITED DISCHARGES; INSPECTIONS; REMEDIES FOR VIOLATIONS**

### **Section**

- 13-7-1    Unsanitary disposal prohibited
- 13-7-2    Treatment of polluted wastes required
- 13-7-3    Prohibited discharges and discharge limitations
- 13-7-4    Authority of the city to establish permissible limits and impose charges
- 13-7-5    Surcharge for excessive-strength wastewater interceptors
- 13-7-6    Discharges to be reported; accidental discharges; tests and analyses
- 13-7-7    Inspections
- 13-7-8    Damage to wastewater system prohibited

### **§ 13-7-1 UNSANITARY DISPOSAL PROHIBITED.**

It is unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon or under any public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, septage or other objectionable waste, pursuant to § 9-2-2, subsection I.

### **§ 13-7-2 TREATMENT OF POLLUTED WASTES REQUIRED.**

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage, industrial wastes or other polluted waters or wastewaters, except where suitable treatment has been provided in accordance with provisions of this chapter.

### **§ 13-7-3 PROHIBITED DISCHARGES AND DISCHARGE LIMITATIONS.**

Federal or state discharge standards shall apply unless the city standards or ordinances are more restrictive. It is unlawful for any person to discharge or cause to be discharged to the city wastewater system the following:

- A. Any storm water, surface water, groundwater, roof runoff, swimming pool or surface drainage that may constitute inflow.
- B. Pollutants which create a fire or explosion hazard to the city wastewater system, such as gasoline, benzene, fuel oil or any petroleum products or volatile liquids.
- C. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the city wastewater system or other interference or damage with the collection system or treatment plant, such as grease, fatty material, offal, garbage, stone dust, sand, dirt, gravel, sawdust, metal filings or broken glass.
- D. Discharges from improperly maintained pretreatment devices, including but not limited to grease traps and sand traps.
- E. Pollutants which in mixing or contact with wastewater are likely to become viscous or create an obstruction

to sewer flow or create an otherwise injurious situation within or for the wastewater system.

- F. Any waters or wastes containing a toxic, radioactive, poisonous or other substances in sufficient quantity to injure or interfere with any wastewater treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the city wastewater system or in the receiving waters of the wastewater treatment plant.
- G. Any waters with a pH less than 5.5 or greater than 9.5.
- H. Any liquids with temperature exceeding 110 degrees Fahrenheit or with temperature less than 30 degrees Fahrenheit
- I. Any water or waste that could cause a violation of any categorical standard or pretreatment requirement or of any other prohibition or limitation required by federal or state law.
- J. Any water or waste that has in any way been diluted as a substitute for pretreatment for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter except where dilution is expressly authorized by any categorical standard.
- K. Any water or waste that is transported from the point of discharge for discharge to the city wastewater system by any septic hauler or similarly transported waste unless the transporter has first:
  - 1. Disclosed to the director the origin, nature, concentration and volume of all pollutants to be discharged.
  - 2. Obtained the consent of the director to discharge.
- L. Any water or waste which could cause interference with the city wastewater system operations.

#### **§ 13-7-4 AUTHORITY OF THE CITY TO ESTABLISH PERMISSIBLE LIMITS AND IMPOSE CHARGES.**

In addition to the discharge limitations contained herein, the Council shall have the authority to establish quantity of discharges and permissible limits of concentration of various specific substances, materials, waters or wastes that can be accepted into the city wastewater system and to specify those substances, materials, waters or wastes that are prohibited from entering the city wastewater system. Each permissible limit so established shall be placed on file with the City Clerk as a public record.

#### **§ 13-7-5 ACCEPTANCE OF EXCESSIVE-STRENGTH WASTEWATER.**

If, after analysis by the Director of the Wastewater to be discharged by a commercial or industrial entity where pretreatment to the degree required is not provided by the user, the Director determines that the city can treat the excessive strength of the wastewater only by special construction, operation or maintenance of the city wastewater system, then a surcharge shall be imposed upon any such user of the system.

#### **§ 13-7-6 DISCHARGES TO BE REPORTED: ACCIDENTAL DISCHARGES; TESTS AND ANALYSES.**

Every user of the city wastewater system shall report to the Director immediately any accident, negligent act or

other occurrence that occasions a discharge to the city wastewater system of any wastes or process waters that exceed the permissible limits for such wastes established by the city. All tests and analyses of the characteristics of waters and wastes shall be determined in accordance with the standards on file with the Director.

**§ 13-7-7 INSPECTIONS.**

Any employee authorized by the director, upon presentation of credentials, shall have free access at all reasonable hours to any commercial or industrial premises connected to the city wastewater system for the purpose of making an inspection of the premises to determine the nature and quantity of wastes discharged to the city wastewater system.

**§ 13-7-8 DAMAGE TO WASTEWATER SYSTEM PROHIBITED.**

No person shall knowingly or intentionally break, damage, destroy, deface or tamper with any part of the city wastewater system.

**ARTICLE 13-8: REGISTRATION OF SEPTAGE HAULERS; REPORTING REQUIREMENTS**

## Section

13-8-1	License required
13-8-2	Monthly reporting required
13-8-3	Acceptance of septage
13-8-4	Additional requirements
13-8-5	Illegal discharge of septage prohibited

**§ 13-8-1 LICENSE REQUIRED.**

All persons hauling septage within city limits are required to be licensed by the Director, in addition to any other licensure, in order to ensure the health, safety and welfare of the citizens of the city.

**§ 13-8-2 MONTHLY REPORTING REQUIRED.**

All septage haulers shall report to the Director all pumping within city limits during the prior calendar month by the 15<sup>th</sup> day of the month following on a form provided by the Director. The report shall include the name of the owner or lessee or operator of each system as well as the business address and the address of the site pumped. The report shall include the amount of septage pumped at each site. The report shall also include the date, the location where each truckload of septage was dumped and the amount of septage dumped.

**§ 13-8-3 ACCEPTANCE OF SEPTAGE.**

- A. The city has no obligation to accept septage pumped from without the city limits for treatment and disposal. In the event there is sufficient treatment and disposal capacity in the city wastewater system, the city may enter into agreements to accept septage pumped from without the city limits, and charge fees for the acceptance, treatment and disposal of such septage as may be established by the City Manager. Septage transported into the City shall be considered as septage outside the City, even if discharged to a septage receiving facility within the City.
- B. The city will accept septage pumped from within the city limits as may be authorized under state and local regulation, the permits for the city wastewater system and any federal or state consent order or judgment. The City Manager shall establish and charge fees for the acceptance, handling, treatment and disposal of such septage commensurate with the costs to the city, including administrative costs.

**§ 13-8-4 ADDITIONAL REQUIREMENTS.**

Septage haulers shall also meet the following requirements:

- A. Septage haulers shall keep the discharge area at the treatment plant neat and clean and shall be responsible for cleaning any spillage resulting from the hauling and discharging of septage wastes. The name and place of business shall be located on each side of the vehicle in clear view.
- B. A violation of the requirements in subsection A. of this section for a licensed hauler shall mean an automatic 30 day suspension of the hauler's license, following opportunity for hearing and appeal. Any costs to the

city as a result of a hauler's negligence shall be borne by the hauler.

**§ 13-8-5 ILLEGAL DISCHARGE OF SEPTAGE PROHIBITED.**

Any person discharging septage from a commercial vehicle to the city wastewater system without a license or permit shall, upon conviction, be fined not less than \$500 plus costs incurred by the city as a result of disrupting the normal operations of the treatment facility. Septage haulers who discharge illegally shall be subject to the penalties and the remedies for illegal discharge available to the city pursuant to Article 13-11. Each discharge from a non-commercial vehicle or facility into a City facility or other facility not designated for such disposal shall be considered a nuisance. A separate discharge shall be held to occur each calendar day in case of a continuous release, or upon each discharge from a separate vehicle, or upon a discharge stopping for one minute or more and restarting. In case one or more measures of discharge may apply the City may use, to the degree it may demonstrate, the one or combinations of measures that result in the greatest number of discharges.

**ARTICLE 13-9: ENVIRONMENTAL NUISANCES DEFINED; ABATEMENT; PENALTY**

Section

- 13-9-1 Environmental nuisances defined
- 13-9-2 Environmental nuisances prohibited
- 13-9-3 Unsanitary condition of private sewage disposal system prohibited
- 13-9-4 Enforcement
- 13-9-5 Abatement of an environmental nuisance or of an unsanitary condition of a sewage disposal system

**§ 13-9-1 ENVIRONMENTAL NUISANCES DEFINED.**

In addition to the public nuisances defined by this code, ordinance or state law, the following specific acts, omissions and conditions in or upon any private lot, building, structure or premise, or in or upon any public right-of-way, street, avenue, alley, park, parkway or other public or private place in the city, are hereby declared to be, among others, environmental nuisances which endanger the public health and safety:

- A. Any condition or place in populous areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons.
- B. All sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
- C. Any sewage disposal or collection system which is operated or maintained in such a manner that there is a reasonable probability that the public health and safety could be endangered.
- D. The maintenance of any overflowing septic tank or cesspool, the contents of which may be accessible to flies.
- E. Any surfacing of leach field or evapotranspiration bed effluent which fails to properly contain effluent irrigation or aerosol disposal within the property of origin.
- F. The use of the contents of privies, cesspools, septic tanks or other sewage disposal systems or the construction, maintenance or operation of sewage disposal systems that use sewage or sewage effluent for fertilizing or irrigation purposes for crops or gardens except with the specific approval of and in the manner authorized by the Arizona Department of Environmental Quality.
- G. Any vehicle or container used in the transportation of garbage, human excreta or other organic material which is defective and allows leakage or spillage of contents.
- H. The pollution or contamination of any waters within the city.
- I. Water, other than that used by irrigation, industrial or similar systems for nonpotable purposes, sold to the public, distributed to the public or used in production, processing, storing, handling, servicing or transportation of food and drink which is unwholesome, poisonous or contains deleterious or foreign substances or filth or disease-causing substances or organisms.

**§ 13-9-2 ENVIRONMENTAL NUISANCES PROHIBITED.**

It is unlawful for any person to cause, permit, maintain or allow the creation or maintenance of an environmental nuisance or any unsanitary condition involving wastes or wastewater treatment or disposal which endangers the public health and safety.

**§ 13-9-3 UNSANITARY CONDITION OF PRIVATE SEWAGE DISPOSAL SYSTEM PROHIBITED.**

It is unlawful for any person to construct, operate or maintain a private sewage disposal system in an unsanitary manner or in any manner not in compliance with all city, county, state and federal standards.

**§ 13-9-4 ENFORCEMENT.**

The city may file, as provided by law, a civil and/or a criminal action to abate or otherwise resolve an environmental or other public nuisance.

**§ 13-9-5 ABATEMENT OF AN ENVIRONMENTAL NUISANCE OR OF AN UNSANITARY CONDITION OF A SEWAGE DISPOSAL SYSTEM.**

- A. Any public or environmental nuisance committed under this chapter may be abated in any manner provided by law.
- B. In the event that an unsanitary condition is deemed to constitute an environmental nuisance and after issuance of a warrant by a Superior Court judge or a justice of the peace, an employee of the office, acting as the environmental agency of the city, and accompanied by the Chief of Police or other peace officer, may enter private property between the hours of sunrise and sunset to examine and to abate the nuisance, as provided by law.
- C. If an environmental nuisance exists on private property, the office, acting as the environmental agency, may order the owner or occupant to remove the nuisance within 24 hours, unless public health, welfare or safety, or environmental considerations requires immediate action. In situations requiring immediate action the Director or City Engineer may act to mitigate the nuisance, with or without written or verbal order, to the extent deemed necessary to mitigate the situation requiring immediate action. The owner of the property shall be responsible for the costs of the immediate action.

At the discretion of the Director or City Engineer, the time allowed to remove a nuisance may be extended beyond the 24-hour period subject to the Director receiving information within the 24-hour period that adequate steps are being taken to remove the nuisance. The removal shall be at the expense of the owner or occupant. The written order may be given to the owner or occupant personally or left at the residence of the owner or occupant. The order shall describe the nuisance, identify the code section violated, and contain a statement requiring the removal of the nuisance. If the owner or occupant fails or refuses to comply with the order, and in the opinion of the Director or City Engineer an immediate threat to the public health exists, they may cause the nuisance to be removed, and the owner, occupant or other person who caused the nuisance shall pay the expenses of removal.

- D. The person who commits, continues, permits or allows such prohibited condition shall bear all reasonable and necessary costs and charges for removal or abatement of the prohibited condition, including, but not limited to, the costs of pumping charges, materials and equipment, labor costs and any costs for attorneys' fees.



## Pre-Treatment Requirements

## **ARTICLE 13-10: PRE-TREATMENT REQUIREMENTS**

### **Section**

- 13-10-1 Purpose
- 13-10-2 Requirements
- 13-10-3 Monitoring manholes
- 13-10-4 Permits
- 13-10-5 Monitoring requirements
- 13-10-6 Reporting requirements
- 13-10-7 Penalties for excessive strength ~~discharge~~
- 13-10-8 Mixed loads
- 13-10-9 Violations

### **§ 13-10-1 PURPOSE.**

It is the purpose of this article to require that discharges into the City wastewater system shall be pre-treated as necessary to comply with the requirements of Article 13-7, and further to provide for the recovery of costs incurred as a result of inadequate pre-treatment of discharges to the City wastewater system, which costs include but are not limited to cleaning and maintaining sewer lines, disposing of clogs and blockages, damage resulting from overflows affecting public, residential and commercial property, and correcting disruptions of the treatment process.

### **§ 13-10-2 REQUIREMENTS.**

- A. It shall be the responsibility of any facility connected to the City wastewater facility to provide pre-treatment of the wastes discharged to the City wastewater system so that the influent complies with the requirements of Article 13-7. The owner of each facility connected to the City wastewater system shall provide, install, maintain in good operation, repair and replace, at his or her own expense, such pre-treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in this Code. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director and City Engineer. No construction of such facilities shall be commenced until the Director's or City Engineer's approval has been obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the City Engineer. The approval of the plans and inspection of construction shall not relieve the owner from complying with discharge limitations set forth in this chapter.
- B. Where installed, all pretreatment devices and systems shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
- C. Materials removed by pre-treatment devices or processes shall be disposed of in accordance with all state and local regulations, at the expense of the owner. The City has no obligation to accept pre-treatment wastes from within or without the City limits for handling and disposal. Pre-treatment wastes from within the City

## Pre-Treatment Requirements

may, however be accepted by the City in accordance with policy approved by the City Council and for fees set by the City Manager commensurate with all City expenses for the handling and disposal of such wastes, including the City's administrative costs.

- D. As a minimum pre-treatment requirement, grease, oil or sand interceptors shall be provided by food preparation or food handling facilities, laundries, restaurants, service stations, auto repair shops, car washes and other facilities that have the potential to discharge high levels of grease, oil or solids. An exemption to this requirement may granted when it can be shown and the owner of a facility set forth in recorded document the specific activities that will be conducted on the site that will not produce wastewater containing oils, greases, or fats.
- E. No residential garage floor drain shall be connected to the City wastewater system.
- F. It shall be the responsibility of the owner and operator of any facility to provide regular maintenance of any grease, oil, or sand filter to include but not limited to the cleaning of their grease traps and interceptors at least once every six (6) months. Should current maintenance practices prove ineffective by evidence of analytical test data or reoccurring maintenance problems within the City's wastewater collection system, an alternative method of maintenance shall be required by the City.
- G. All interceptors, traps, and separators shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and for inspection by the Director or the Director's designee. In no case shall the type or capacity be less than that specified in the City plumbing code.
- H. Grease and oil interceptors and separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers. When bolted covers are required, they shall be gas-tight and watertight.

### **§ 13-10-3 MONITORING MANHOLES.**

When required by the Director, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable monitoring manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

All food preparation and food handling facilities, and other grease and oil generators connected to the wastewater system shall install a grease trap or grease interceptor consistent with the provisions of the City adopted Plumbing Code. The City Engineer or designee shall review the design and installation of food preparation and handling facility grease traps and grease interceptors. The design and installation of such traps and interceptors shall conform to all applicable statutes, codes, ordinances, regulations and laws. Any food preparation or food handling facility responsible for the discharge of grease trap or interceptor wastewater must provide and maintain traps or interceptors in an effective operating condition at all times at its own expense.

- A. It shall be the responsibility of the owner and operator of any facility required to have interceptors, traps, and separators to provide regular maintenance to include but not limited to the cleaning at least once every six (6) months. Should current maintenance practices prove ineffective by evidence of analytical test data or reoccurring maintenance problems within the City's wastewater collection system, an alternative method of maintenance shall be required by the City.

## Pre-Treatment Requirements

- B. A food preparation or food handling facility with a seating capacity of up to 100 persons shall install a grease interceptor with a minimum 1,000-gallon holding capacity and provide proper and accessible inspection points for sampling discharge from interceptor. Owners of facilities exceeding the aforementioned seating capacity may require larger interceptors or traps and shall contact the City to determine the appropriate size required.
- C. Authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter any food preparation or food handling facility and grease receiving or treatment facility for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- D. Discharge into a grease trap or interceptor shall not exceed 145 degrees Fahrenheit, and the temperature of the liquid leaving the grease trap shall be in compliance with Article 13-7-3H.
- E. No enzymes or emulsifiers shall be discharged into a grease trap or interceptor.
- F. It will be the responsibility of all food preparation and food handling facilities, and other grease and oil generators connected to the wastewater system to comply with the requirements of Section 13-10-2 by January 1, 2010.

### § 13-10-4 PERMITS.

- A. *Permit application.* Any existing food preparation or food handling facility currently discharging into the city's wastewater system and any new food preparation or food handling facility or grease receiving or treatment facility proposing to discharge, shall submit a discharge permit application to the city for approval. After approval of the discharge permit application, the city shall issue a permit to discharge grease trap or interceptor wastewater into the city's wastewater system.
- B. *Permit.* After January 1, 2010, it shall be unlawful for any food preparation or food handling facility and other grease and oil generators connected with the wastewater system to discharge grease trap or interceptor wastewater into the city's wastewater system without first obtaining a discharge permit.
- C. *Permit modification.* The terms and conditions of the discharge permit shall be subject to modification by the city during the term of the permit as limitations or requirements are identified or modified, or for any other just cause. The term of a permit shall be no longer than 5 years or upon change in ownership of the facility, which ever occurs first.
- D. *Permit limitations for wastewater discharge.* Wastewater discharged from grease traps or grease interceptors shall not exceed 100 milligrams per liter (mg/l) for total suspended solids (TSS), 100 milligrams per liter (mg/l) for biochemical oxygen demand (BOD) and 100 milligrams per liter (mg/l) for oil and grease and a temperature of 110 degrees Fahrenheit.

### § 13-10-5 MONITORING REQUIREMENTS.

- A. All food preparation and food handling facilities shall provide a four-inch clean-out on the effluent side of the grease trap or grease interceptor, kitchen, wastewater or separator discharge line for sampling purposes. The owners or operators of those facilities needing to install such a device shall contact the Director to assure that the clean-out proposed for the installation is adequate.
- B. The City Wastewater Inspector may sample wastewater discharged from a grease trap or grease interceptor to determine compliance with these regulations. If the analytical testing indicates a violation of the TSS

## Pre-Treatment Requirements

and BOD or temperature limitation, the permitted food preparation or food handling or grease receiving or grease treatment facilities shall be responsible for the cost of analytical testing and subject to payment of penalties and fines as specified in § 13-10-7.

- C. Where violations of discharge permit limitations have occurred, the frequency for additional sampling and testing shall be determined by the Director of Wastewater Management.
- D. Grease receiving or grease treatment facilities:
  - 1. There shall be no discharge of floating solids or visible foam in other than trace amounts from grease receiving or treatment facilities.
  - 2. Samples taken in compliance with the monitoring requirement specified in this section shall be taken at the discharge point from the final treatment unit.

### **§ 13-10-6 REPORTING REQUIREMENTS.**

- A. All permitted food preparation or food handling facilities, grease receiving or grease treatment facilities and other grease and oil generators connected to the wastewater system shall submit copies of analytical test data to the Director of Wastewater Management or a designee if required as a result of current or previous discharge permit violations for wastewater discharge.
- B. It shall be the responsibility of the owner of any food preparation or food handling facility or other grease and oil generators connected to the wastewater system to have a completed copy of the most recent separator, grease trap or grease interceptor waste manifest available to the city at the time of a wastewater inspection. Failure to submit a waste manifest at time of wastewater inspection is a violation of this article.
- C. A completed separator, grease trap or grease interceptor waste manifest shall include the following information:
  - 1. Name and address of person, company or other legal entity pumping and transporting separator, grease trap or grease interceptor waste.
  - 2. Number of gallons pumped from grease trap or grease interceptor. Amount of material removed from a separator.
  - 3. Holding capacity of pumper truck, as applicable.
  - 4. Name and address of person, company or other legal entity receiving separator, grease trap or grease interceptor waste.
  - 5. Dates showing when separator, grease trap or grease interceptor was pumped or cleaned and delivered to final disposal site.
  - 6. Waste manifest number.
  - 7. The signatures of the owner or agent of the food preparation or food handling facility, owner or agent of pumper and the person receiving the waste shall be placed on the manifest.

### **§ 13-10-7 PENALTIES FOR EXCESSIVE STRENGTH.**

Facilities that discharge excessive strength BOD, TSS or temperature shall be charged a surcharge, based on estimated volume per day until such time that the strength of discharge is no longer determined to be excessive, in addition to the penalty provided in Article 1-8 of this code. The charge shall be \$250 per 1000 gallons of flow or part thereof.

**§ 13-10-8 MIXED LOADS.**

Any septage hauler who brings mixed loads into the city wastewater treatment facility for septage processing shall be subject to prosecution as provided below and may be prohibited from bringing future septage loads into the wastewater facility for processing.

**§ 13-10-9 VIOLATIONS.**

- A. It is unlawful for any grease generator to discharge into the City wastewater collection system in any manner that is in violation of this Article, or any condition set forth in this Article. Additionally, causing or permitting plugging or blocking of the City sewer lines shall be considered a violation of this Article.
- B. No person and/or food preparation or food handling facility or other grease and oil generator shall discharge grease in excess of five hundred (500) mg/l into the City wastewater collection system.
- C. No person and/or food preparation or food handling facility shall improperly maintain a grease trap or grease interceptor in a manner that may cause an unlawful discharge into the City wastewater collection system.
- D. It is unlawful for the owner or operator of a grease trap or interceptor to connect a grease trap or interceptor to the City's wastewater collection system that cannot be inspected.
- E. It is a violation of the requirements of Section 13-10-6 for the owner or operator of a grease trap or interceptor connected to the City's wastewater collection system not to maintain on the premises of the facility an updated manifest that is available for City inspection at all times.

**ARTICLE 13-11: PENALTY FOR VIOLATIONS:**

- A. Any person, operator or owner who shall violate any provision of this ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a class one misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two thousand five hundred (\$2,500.00) dollars or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein. Violations relating to nonpayment of delinquent fees and charges shall not be subject to prosecution as a misdemeanor.
- B. If any person discharges sewage, industrial wastes or other wastes into the City wastewater system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the Director, the City Attorney, subject to approval by the Council, may commence an action for appropriate legal and equitable relief in the Superior Court of the appropriate county.
- C. Any person, operator, or owner that has violated any provision of this ordinance is liable to the City for any expense, loss or damage occasioned by the City for reason of appropriate clean-up and proper disposal of waste materials. Additionally, an administrative fee equal to one-half of assessed clean-up costs shall be levied by the City against the guilty party.
- D. The City may report violations of Article 13-10 to appropriate state and federal agencies as violations of the Clean Water Act and related acts, laws and regulations.
- E. All other penalties herein notwithstanding, it is unlawful for any person, whether principal, owner, agent or tenant, to unlawfully violate, disobey, omit or refuse to comply with or to resist the enforcement of any of the provisions of this Chapter.
- F. The Director may refuse service to and disconnect any user who fails to comply with any of the provisions of this Chapter.
- G. Discontinuance of wastewater services shall not occur until the noncomplying person, industry or business has been notified that it is not in compliance with this Chapter and has been given a reasonable time in which to come into compliance. The Director may immediately halt service with no notice to the user when the Director determines that such action is necessary to prevent a discharge of pollutants that represents an imminent danger to the public health, safety or welfare or may result in immediate and significant environmental damage.
- H. This section shall not be held to prohibit the City Engineer or City Manager from acting to require and effect correction of violations or removal of nuisances.

**ARTICLE 13-12: REMEDIES FOR VIOLATIONS.**

- A. In addition to any criminal fine which may be imposed for violation of any provision of this chapter, any person shall be liable for all charges which may be assessed by the City on any user of the City wastewater system who discharges wastes containing impermissible quantities of prohibited substances into the City wastewater system. The Director may assess charges based on the costs incurred by the City in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes, plus overhead charges.
- B. The Director may discontinue wastewater collection or treatment service to premises for any of the following reasons:
  - 1. Failure to pay a charge assessed by the Director for unauthorized discharges.
  - 2. Failure to correct an unauthorized discharge as required by the Director.
  - 3. Discharging any unauthorized substances, materials, water or waste as prohibited by federal, state or local regulation.
- C.
  - 1. Before disconnecting the property from the City wastewater system, the City shall provide written notice, by certified, return receipt requested mail, to the violator of the pending disconnection, and the City shall follow the procedure set forth in § 13-5-9 for setting a hearing.
  - 2. However, if the discharge is a threat to the public health, safety or welfare, or poses an immediate and significant potential for environmental harm, the City may initiate an enforcement action without giving notice.
- D. Upon notice of the final determination by the Director of an assessment or order to correct an unauthorized discharge, the responsible party shall tender the amount assessed within 10 days of the date ordered and discontinue the unauthorized discharge as ordered by the Director. In the event the unauthorized discharge is not corrected or the assessment is not tendered, continued operation resulting in a discharge is unlawful, and the discharge will be a public nuisance which may be abated by order of a court of competent jurisdiction. This remedy shall be in addition to any other remedy.